

MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY

Santa Fe, New Mexico

May 14, 2003

AFTERNOON SESSION

A regular meeting of the Governing Body of the City of Santa Fe, New Mexico was called to order on this date at approximately 4:00 p.m. in City Hall Council Chambers. Following the Pledge of Allegiance and Invocation, Roll Call indicated the presence of a quorum, as follows:

Members Present:

Mayor Larry A. Delgado
Councilor Carol Robertson Lopez, Mayor *Pro Tem*
Councilor Patti J. Bushee
Councilor Miguel M. Chavez
Councilor David Coss
Councilor Karen Heldmeyer
Councilor Matthew E. Ortiz [arriving 5:30 p.m.]
Councilor David Pfeffer
Councilor Rebecca Wurzbarger

Members Excused:

None.

APPROVAL OF AGENDA

City Manager Jim Romero requested that the Executive Session under Matters From the City Attorney (City of Santa Fe v. Public Service Co. of New Mexico and Avistar, Inc.) be postponed because the attorney representing the City is out of town.

City Attorney Bruce Thompson indicated that the Executive Session will be republished for the next meeting should that be the appropriate time for it.

Councilor Wurzbarger moved approval of the Agenda, as amended. Councilor Lopez seconded the motion, which passed 6-0 by voice vote,

with Councilor Chavez, Councilor Coss, Councilor Heldmeyer, Councilor Lopez, Councilor Pfeffer and Councilor Wurzbürger voting for, and none against. [Not present for this action: Councilor Bushee; Councilor Ortiz.]

APPROVAL OF CONSENT CALENDAR

Upon motion by Councilor Lopez, seconded by Councilor Chavez, the Consent Calendar, as amended, was approved on the following Roll Call vote:

For: Councilor Bushee; Councilor Chavez; Councilor Coss; Councilor Heldmeyer; Councilor Lopez; Councilor Pfeffer; Councilor Wurzbürger.

Against: None.

Not present during this action: Councilor Ortiz.

- a) Bid No. 03/48/B — Brothers Bridge Replacement; Eker Brothers, Inc.
- b) Bid No. 03/58/B — Aerial Life Truck for Transportation Engineering Division; Bob Turner's Ford Country.
- c) Request for Approval of Memorandum of Understanding — DWI Clerical Services; Santa Fe County.
 - 1. Request for Approval of Budget Increase — Municipal Court, General Fund.
- d) Request for Approval of Grant Award — Police Bikes; Wal-Mart Foundation.
 - 1. Request for Approval of Budget Increase — Police Department; General Fund.
- e) Request for Approval of Lease Agreement — Ambulance; American Red Cross, Tierra del Sol Chapter.
- f) Request for Approval of Lease Agreement for VASI/REIL Sites — Santa Fe Municipal Airport; United States of America.
- g) Request for Approval of Lease Agreement — St. Francis School Parking Lot for Public Parking; St. Francis Cathedral Parish/Archdiocese of Santa Fe.
- h) Request for Approval of Professional Services Agreement — Medical Director for Fire Department; Dr. Franz Melio.

- i) Request for Approval of Amendment No. 1 to Professional Services Agreement; Security Services at Santa Fe Municipal Airport; Akal Security, Inc.
- j) [Removed by Councilor Heldmeyer for discussion.]
- k) Request for Approval of Budget Increase — Employee Training; General Fund.
- l) Request for Approval of Sole Source Procurement — GIS Development Software; Geographic Information Services, Inc.
 - 1. Request for Approval of Budget Adjustments — General Fund.
 - 2. Request for Approval of Budget Adjustments — Various Funds.
- m) Request for Approval of Amendment No. 1 to Professional Services Agreement — Security Services for GCCC; Akal Security.
- n) Request for Approval of Procurement Under State Price Agreement — Play Equipment for La Cieneguita Park; Landscape Structures, Inc.
- o) Request for Approval of Amendment No. 2 to Professional Services Agreement — Construction Engineering and Management Services for Botolph Road Improvement Project; Smith Engineering Company.
- p) Request for Approval of Agreement Between Owner and Contractor; Parking Revenue Control System (RFP No. 2003/14/P); McGann Associates, Inc.
 - 1. Request for Approval of Budget Increase — Parking Operations Enterprise Fund.
- q) Request for Approval of Amendment No. 3 to Agreement — Legal Services for Water Division; Mark F. Sheridan, Esq. (Holland & Hart LLP)
 - 1. Request for Approval of Budget Adjustments — Water Enterprise Fund.
- r) Request for Approval of Amendment No. 3 to Agreement — Legal Services for Water Division; Mark F. Sheridan, Esq. (Holland & Hart, LLP.)
- s) Request for Approval of Amendment No. 3 to Agreement — Legal Services for Water Division; Montgomery & Andrews, P.A.

- t) Request for Approval to Publish Notice of Public Hearing for June 11, 2003, City Council Meeting:

BILL NO. 2003-14: An Ordinance Creating a New Section 14-5.2(K) SFCC 1987 Requiring Review of an Historic Compound Plan by the Historic Design Review Board. (Councilor Heldmeyer, Councilor Wurzburger and Councilor Chavez)

[Postponed to May 28 City Council meeting.]

- u) Request for Approval of Community Development Block Grant (CDGB) Contract — Administration Services for Small Business Development Loan Program (RFP No. 2003/10/P); New Mexico Community Development Loan Fund (NMCDLF).
- v) RESOLUTION NO. 2003-42. (Councilor Heldmeyer, Councilor Chavez, Councilor Coss and Councilor Lopez).
A Resolution Directing Staff to Consider Alternatives for Library Services on the South Side of Santa Fe.
- w) CONSIDERATION OF RESOLUTION NO. 2003-____. (Councilor Lopez, Councilor Bushee, Councilor Wurzburger, Councilor Ortiz and Councilor Coss)
A Resolution to Develop a Strategy for Maintaining and Promoting Housing in the Downtown Area.
Postponed to May 28 City Council meeting.]
- x) Removed by Councilor Chavez for discussion.]
- y) Request for Approval of Water and Sewer Hookup for Santa Fe School for the Arts, 5912 Jaguar Drive.
- z) Request for Approval of Amendment No. 1 to Purchase Agreement — Supplemental Buckman Wells 10-13; WESCO Distribution, Inc.

APPROVAL OF MINUTES: April 30, 2003

Upon motion by Councilor Lopez, seconded by Councilor Bushee, the Minutes of the April 30, 2003, meeting were approved 6-0 by voice vote, as submitted, with Councilor Bushee, Councilor Chavez, Councilor Coss, Councilor Lopez, Councilor Pfeffer and Councilor Wurzburger voting for, and none against. [Not present for this action: Councilor Heldmeyer; Councilor Ortiz.]

PRESENTATIONS

Proclamation — “National Transportation Week.”

Councilor Lopez introduced Josette Padilla-Lucero, head of transportation programs at the Department of Transportation; Franklin Garcia, traffic safety representative at the Highway Department; Los Alamos Park & Ride representatives; and Jack Wigley, president of All Aboard America, contractor for the new Park & Ride service.

Mayor Delgado read a proclamation recognizing the City’s support of regional multi-modal transportation solutions and recognizing Park & Ride’s role in addressing commuter needs between Santa Fe, Española and Los Alamos.

10th Annual CommUNITY Days Festival. (Gerard J. Martinez)

Mr. Martinez distributed and reviewed a schedule of events for this festival, which was scheduled on the Plaza May 13-18.

Mr. Martinez presented Muchas Gracias certificates of appreciation to Mayor Delgado and Councilor Bushee for their “ten years of guidance, support and vision to the annual CommUNITY Days Festival.”

Mayor Delgado read a proclamation declaring May 18, 2003, as “El Dia de la Gente.”

In accepting a certificate of appreciation, James McLaughlin, interim president of Santa Fe Community College, discussed the role of the Community College in the community. He stated that 18,000 people participate annually at the College in credit and non-credit activities, and thanked the City for this recognition.

In accepting a certificate of appreciation, David McCumber, Los Alamos National Laboratories director of communications in external relations, stated that LANL “recognizes that we are a part of the community of Northern New Mexico and that members of the community of Northern New Mexico make up Los Alamos National Laboratories.... and we look forward to becoming a more vibrant part of this community.” He presented a plaque to Mayor Delgado expressing appreciation and gratitude on the occasion of the 60th anniversary of Los Alamos National Laboratory.

Councilor Bushee said she recently visited with one of the consultants who is developing the City’s new economic plan, and suggested that staff disseminate

information at the festival on the company's Web site as well as to distribute the survey.

Mr. Martinez agreed that this could be done through the Parks & Recreation booth.

On the matter of the economic development survey, Councilor Heldmeyer said she has received irate emails from persons visiting the Web site who say they are unable to complete the survey unless they check a box on what their income is. She said she has been told that all of the identification information is optional, including name, address, etc., so they can check the income box anonymously. She added that this glitch would be corrected soon.

Status Update of Long Term Water Supply Study. (Rick Carpenter)

Mr. Carpenter introduced Tetra Tech consultant Bill Brownlie, who was assisting City staff and others in preparing the long-range water supply plan. Mr. Carpenter noted that the City has conducted several water supply analyses in the past, which have tended to focus on specific components; and that the assumption for this effort was that the Buckman supply wells 9-13 and the direct diversion will all be in place and operational, and that the alternatives identified in this effort would be online to meet demand in 2010 and beyond.

Dr. Brownlie gave a power point presentation on "Alternative Screening for Long-range Water Supply Project." *[Submitted with these minutes as Exhibit "A."]*

Dr. Brownlie reviewed the following surface diversion options as part of a long-term strategy, noting that the pipeline routes under each option are designed to follow easement corridors or to go around topographic features to minimize the amount of lift that would be required.

1) Diversion at San Ildefonso Pueblo. Similar to the pilot project already under construction there, these would be shallow collector wells constructed to pull water through sediments to help filter it out. From there, a six-mile pipeline would be constructed, which would connect with the existing Buckman Booster Station #1. Additional transmission facility upgrades would have to be implemented to bring the water fully up to the city.

2) Diversion at Caja del Rio. This would involve construction of slanted wells; because of a high embankment/escarpment situation, these would be very deep wells. The pipeline would be 16-17 miles on this route, which would connect with the proposed treatment plant at the MRC.

3) Surface diversion at Cochiti. This would involve construction of a direct surface diversion at Cochiti Lake with a 26-mile pipeline to the proposed treatment plant at the MRC.

4) Surface diversion at Peña Blanca. This would involve collector wells and a 22-mile pipeline connecting to the proposed treatment plant at the MRC.

5) Diversion at Abiquiu. This is the newest alternative being considered, having been proposed in some public meetings. This would involve a significant pipeline, although the distance has not been calculated at this point.

6) Expanded diversion at Buckman. This would be an expansion of the currently proposed diversion at Buckman.

Dr. Brownlie noted that all of these diversions would involve a return flow pipeline to enable return flow credits, which in turn would allow additional diversion of San Juan-Chama water. He said the transmission facilities that are currently planned would have to be increased to capacity, as well.

Dr. Brownlie reviewed the following four deep groundwater diversion options:

7) New well field at La Bajada. This would be at the base of the escarpment, and would involve pumping water about 12 miles to the city.

8) New well field at Santa Fe Canyon. This would involve constructing wells near Nichols Reservoir or possibly a little farther downstream near the old Two Mile site, and then either returning those to the surface water system or to a treatment plant.

9) Add or replace wells. This option would add or replace wells in the existing City well field to maximize the yield.

10) Tap brackish groundwater sources. This would involve desalination and pumping the water.

In addressing reclaimed water options, Dr. Brownlie pointed out that building return flow pipelines with any of the surface diversions would allow for additional diversion of San Juan-Chama water; so if the City were to send its treated effluent back to the Rio Grande, most likely there wouldn't be very much available for the other options, so it was "kind of an either/or situation."

Dr. Brownlie reviewed other alternative uses for reclaimed water aside from return flow credit for San Juan-Chama diversion:

11) Replace irrigation water; use reclaimed water for irrigation; reduce demand for potable water.

12) Use reclaimed water for potable supply.

13) Enhance surface supplies with reclaimed water.

14) Injection, storage and recovery.

15) Restore Santa Fe River flow.

16) County water to enhance regional supply. This was proposed by the County, and would involve installing sewer systems within the county to capture wastewater, which then could be used for a variety of uses.

Dr. Brownlie reviewed management and conjunctive use options:

17) Tie the City well field rights to the Santa Fe River rights to maximize the total amount of water that could be diverted and claimed from the Canyon.

18) Pump groundwater to reservoirs. This is a winter-summer option to maximize the seasonal uses of water.

19) Aquifer storage and recovery.

Dr. Brownlie reviewed the general screening criteria, which was divided into three categories: cost, performance/reliability, and feasibility. He also discussed the methodology and scoring system.

Mr. Carpenter stressed that this is an ongoing effort as they continue identifying, defining and refining the alternatives, the evaluation costs and other factors as well as the scoring of alternatives.

Mr. Carpenter offered to hold a detailed workshop at a later date to go over the screening and scoring methodology. He referred to a list of preliminary screening criteria, noting that copies were also available in Chambers tonight for members of the public.

Noting the recent release of the Jemez y Sangre Water Planning Council report, Councilor Coss asked if this study would come up with any estimation of how much of the 30,000 acre-feet deficit can be closed on a long-range basis with these types of projects.

Mr. Carpenter responded that each alternative would have assigned to it the amount of water that could be produced from that alternative. He said the deficit could then be addressed incrementally on a regional basis.

Councilor Coss if there is a difference in water rights costs between Rio Grande surface diversions and deep groundwater diversions, and Mr. Carpenter responded that the cost of water rights varies depending on their type, source and status. He said these costs would be factored in along with any added costs from protests, legal fees, etc.

Dr. Brownlie added that one cost factor to consider, in terms of the surface diversion, is the pipeline that allows more access to San Juan-Chama water — in other words, the City wouldn't have to pay for the right, but would have to cover the cost of the pipeline.

Councilor Heldmeyer asked where the public could have access to this report, since what the City is doing about long-term water supply is an increasing concern for everyone.

Mr. Carpenter responded that this report is in draft form at the current time, but that a final version, with all of the steps completed ("plugging in the numbers") and approved by the City Council, should be ready for the public by the end of 2003. He added that they also intend to keep the public and the Governing Body involved as much as possible throughout the process through regular updates and dissemination of draft materials.

Councilor Heldmeyer commented that, even if the numbers haven't been plugged in, the public is interested in what kinds of things the City is considering and what factors are being taken into account. She asked that this draft be posted on the City Web site.

Responding to questioning from Councilor Wurzbarger, Mr. Carpenter said the dates of the incremental steps have not yet been defined. He commented that there is some sensitivity with regard to approving certain steps or assigning specific information to certain steps in terms of the overall NEPA process.

Councilor Bushee noted that the Rio Grande is one of the country's top endangered rivers, and asked that the study of the various options include consideration of how each of them will impact the overall health of the Rio Grande.

Councilor Bushee expressed concern about the heavy reliance on San Juan-Chama water in this draft, and asked what kind of guarantees the City has in terms of the drought's effect in Colorado. She asked who could do a detailed analysis.

Mr. Carpenter responded that a detailed analysis of that issue is not part of this work effort; however, a certain value will be assigned to each of the alternatives, for example, on degree of reliability and risk factor.

Councilor Bushee noted that there is a huge price tag attached to the San Juan-Chama diversion at Buckman, and it will probably grow by the time the City gets to put it in place, if that happens. She said the City “kicked around for years” — but rejected as too costly at the time — the idea of pumping effluent to the river and gaining return flow credits from that, as well as using it to recharge the aquifer. She commented that she would like to have the costs for that clearly spelled out and specifically what that would mean for return flow credits. She said the price tag for that option sounded “cheap” compared to the San Juan-Chama diversion costs.

Councilor Pfeffer asked Dr. Brownlie what the draft means when it refers to sustainability, and Dr. Brownlie responded that they were looking more at the infrastructure rather than the water resource.

Councilor Pfeffer asked Dr. Brownlie to consider including a comparison of the different categories of options, or the specific options within those categories, on the effects of drought on surface water; aquifer depletion; and quality of water in terms of recycled water.

Councilor Wurzbarger observed that page 1 stated the assumption that the Buckman direct diversion would be in place by 2010. She expressed concern that the public might think the date has quietly been changed from 2007.

Mr. Carpenter agreed that this should be rephrased since the Buckman direct diversion is scheduled to be online in 2007.

Councilor Wurzbarger noted typos in the Numerical Scoring Process chart on page 22.

[The Agenda was reprioritized.]

CONSIDERATION OF RESOLUTION NO. 2003-43.

**(Councilor Lopez, Mayor Delgado, Councilor Heldmeyer,
Councilor Pfeffer and Councilor Wurzbarger)**

**A Resolution Urging All Teens to Commit to Safe and Sober
Driving During Graduation Season by Signing a Safe Graduation
Pledge and to Always Drive Safely and Soberly.**

Councilor Lopez thanked the co-sponsors of this resolution. She commented, “Every parent’s worst nightmare at this time of year is that their kid, so full of life and beginnings, will engage in risky driving behavior.”

Councilor Lopez stated that the Traffic Safety Bureau under the direction of Rhonda Faught and Governor Bill Richardson spearheaded this initiative. She introduced Franklin Garcia of that agency; PNM representative Rhonda Mitchell, and New Mexico McDonald's senior account executive Luis Hernán-Ruiz.

Mr. Hernán-Ruiz stated that McDonald's feels that, by supporting the Highway Department's efforts, they can save lives in New Mexico. He said McDonald's teenage patrons could go to any of their restaurants in New Mexico and sign a pledge not to drink and drive.

Councilor Lopez moved for approval. Councilor Ortiz seconded the motion, which passed on the following Roll Call vote:

For: Councilor Chavez; Councilor Coss; Councilor Heldmeyer; Councilor Lopez; Councilor Ortiz; Councilor Pfeffer; Councilor Wurzburger; Councilor Bushee.

Against: None.

CONSENT CALENDAR DISCUSSION

j) Request for Approval of Sole Source Procurement and Professional Services Agreement — Baseline Data and Preliminary Economic Impact Analysis for the Living Wage Ordinance; Regents of the University of New Mexico — UNM Bureau of Business and Economic Research (BBER)

Addressing Human Resources director Arturo Rodriguez, Councilor Heldmeyer noted that discussions with BBER included having some kind of comparison or correction that would take national economic conditions into account in this study, which she did not see in this agreement.

Councilor Heldmeyer said one of the two methodologies discussed was a statistical methodology that would do a multiple progression analysis that would take national economic figures into account in order to see whether the numbers were specific to Santa Fe or indicative of the whole country. She said she understood the other methodology, a national comparison of cities, would be much more expensive.

Mr. Rodriguez responded that these methodologies were discussed in the second meeting with BBER, but he has not heard from back from them, so he could not provide further information. He did note that the national comparison of cities study was deemed to be too costly.

Councilor Heldmeyer moved that this be inserted in the agreement, specifically at the end of Task 8 on page 3 of the agreement; i.e., “that the numbers that the City would be given on how economic data changed over time in Santa Fe would be done not just for the raw data, but would also be corrected for the effect of the overall national economy.”

Mr. Rodriguez agreed to include this insertion.

Councilor Heldmeyer moved for approval, with this amendment. Councilor Wurzburger seconded the motion, which passed on the following Roll Call vote:

For: Councilor Coss; Councilor Heldmeyer; Councilor Ortiz; Councilor Pfeiffer; Councilor Wurzburger; Councilor Bushee; Councilor Chavez.

Against: None.

Not present during this action: Councilor Lopez.

x) Request for Approval of Effluent Sale Agreement for the Santa Fe Horse Park.

Councilor Chavez noted that this item comes in advance of recommendations of the Wastewater Reuse Advisory Task Force that will shortly go through the committee process, and he wished to propose amendments recommended by the Task Force.

Councilor Chavez moved approval of this agreement with the following amendments:

Page 2, Section D

- D. The Horse Park’s effluent demands shall not exceed 500,000 gallons on any day ~~not~~ or ~~50~~ 39.1 million gallons on an annual basis.

Councilor Chavez noted that this amended amount equates to 120 acre-feet annually.

Councilor Bushee seconded the motion.

Councilor Chavez said the Task Force also has recommended that contracts be approved in one-year increments.

City Rate Analyst Dennis Gee added that the Wastewater Division felt that the annual limitation would not come into play at this time because there are no specific

plans for the use of the effluent. He stated that the contract includes a 30-day termination clause, regardless of the term, which is why staff had recommended a longer term and the initial amounts.

Mr. Gee also clarified for Councilor Wurzburger that the amendment would not affect the Horse Park's effluent use. Councilor Chavez added that the new figure reflects their average use.

The motion passed on the following Roll Call vote:

For: Councilor Heldmeyer; Councilor Ortiz; Councilor Pfeffer; Councilor Wurzburger; Councilor Bushee; Councilor Chavez; Councilor Coss.

Against: None.

Not present during this action: Councilor Lopez.

MATTERS FROM THE CITY CLERK

City Clerk Yolanda Y. Vigil reminded Councilors of the joint study session of the Council and Civic Center Task Force on May 21 at 7:00 p.m. in Chambers.

MATTERS FROM THE CITY ATTORNEY

None.

RECESS: 5:45 p.m.

EVENING SESSION

The Evening Session of the City Council Meeting was called to order at approximately 7:00 p.m. in City Hall Council Chambers. Following the Pledge of Allegiance and Invocation, Roll Call indicated the presence of a quorum, as follows:

Members Present:

Mayor Larry A. Delgado
Councilor Carol Robertson Lopez, Mayor *Pro Tem*
Councilor Patti J. Bushee
Councilor Miguel M. Chavez
Councilor David Coss
Councilor Karen Heldmeyer
Councilor Matthew E. Ortiz
Councilor David Pfeffer
Councilor Rebecca Wurzbarger

Members Excused:

None.

PETITIONS FROM THE FLOOR

None.

APPOINTMENTS

Parks Advisory Committee

Mayor Delgado recommended the reappointments of Toni Chavez (District #3), term ending 5/2005; William Garcia (At-large), term ending 5/2005; Mark Hogan, Chair (District #2), term ending 5/2007; Sandra Taylor (At-large), term ending 5/2007; and Marjorie Young (District #1), term ending 5/2005.

Councilor Lopez so moved. Councilor Heldmeyer seconded the motion, which passed 7-0 by voice vote, with Councilor Bushee, Councilor Chavez, Councilor Coss, Councilor Heldmeyer, Councilor Lopez, Councilor Pfeffer and Councilor Wurzbarger voting for, and none against. [Not present for this action: Councilor Ortiz.]

Mayor Delgado recommended the appointments of Cindy Padilla (District #4), and Katherine Miller (At-large), both terms ending 5/2007.

Councilor Lopez so moved. Councilor Heldmeyer seconded the motion, which passed 7-0 by voice vote, with Councilor Bushee, Councilor Chavez, Councilor Coss, Councilor Heldmeyer, Councilor Lopez, Councilor Pfeffer and Councilor Wurzbarger voting for, and none against. [Not present for this action: Councilor Ortiz.]

PUBLIC HEARINGS

Request From The Pink Adobe, Inc., for the Following:

- a) **The Purpose of this Hearing is to Discuss a Request for a Waiver of the 300-Foot Location Restriction to Allow the Sale of Alcoholic Beverages (Expansion of Licensed Premises) at The Pink Adobe, 406 Old Santa Fe Trail, Which is Within 300 Feet of the San Miguel Chapel, 401 Old Santa Fe Trail.**
- b) **If the Waiver of the 300-Foot Restriction is Granted, a Request From The Pink Adobe, Inc. to Allow the Sale of Alcoholic Beverages at Its Expansion of Licensed Premises, 406 Old Santa Fe Trail. (Dispenser License #683.)**

City Clerk Yolanda Vigil stated that The Pink Adobe has been licensed at its current location since 1976; however, the proposed expansion of 903 square feet has not previously sold alcoholic beverages, and a waiver is therefore required.

Ms. Vigil called attention to a letter in support of this request from Brother Lester Lewis of the San Miguel Mission.

Ms. Vigil noted staff's recommendation that The Pink Adobe comply with litter, noise and traffic ordinances; also, because they have not applied for their building permit on the expansion, staff also recommends that they be required to comply with parking and historic review requirements.

There was no one wishing to oppose this request.

Joe Hoback, manager of The Pink Adobe, was sworn. He stated that they will be leasing the space formerly known as Sarah's Shoes, between the Dragon Room and the Rio Chama Steakhouse, and will punch a hole through the wall and use the space for a café that will include the sale of alcoholic beverages.

Councilor Wurzburger moved for approval of the waiver and request to allow the sale of alcoholic beverages. Councilor Bushee seconded the motion, which passed on the following Roll Call vote:

For: Councilor Lopez; Councilor Ortiz; Councilor Pfeffer; Councilor Wurzburger; Councilor Bushee; Councilor Chavez; Councilor Coss; Councilor Heldmeyer.

Against: None.

Request for Consideration and Approval of Consolidated Plan and 2003/2004 CDBG Action Plan — Application for Federal Funds; U.S. Department of Housing and Urban Development — HUD.

Community Services planner Frank Romero stated that this is the City's 18th year of the CDGB program, of which the U.S. Department of Housing and Urban Development has invested over \$12 million in the City's housing, economic development, public service and public facility activities. He said HUD will award the City \$702,000 for 2003-04.

Mr. Romero said the Community Development Commission reviewed the Consolidated Plan and Action Plan on March 26, followed by review and approval by the Public Works and Finance committees. He stated that today is the 47th day of the public comment process; following Council approval tonight, it will be delivered tomorrow to the U. S. Department of Housing and Urban Development's New Mexico Office in Albuquerque for their review and approval.

There was no one wishing to speak against this request.

Debbie Collins of the Santa Fe Business Incubator came forward in favor of this request. She expressed SFBI's appreciation for past funding that they have received under the CDGB program, which has enabled them to create a program for low to moderate income businesspeople at the Incubator. She said the program includes technical assistance and crisis support.

Councilor Chavez asked how the Southside Library would benefit from this plan.

Mr. Romero responded that the plan would be revised tomorrow before being submitted to HUD, to include the phasing of the Southside Library improvements to address the facility's most immediate needs. He said the Community Services Department is evaluating options that will be presented to the Public Works Committee on July 14.

Councilor Lopez moved for approval. Councilor Chavez seconded the motion, which passed on the following Roll Call vote:

For: Councilor Ortiz; Councilor Pfeffer; Councilor Wurzburger; Councilor Bushee; Councilor Chavez; Councilor Coss; Councilor Heldmeyer; Councilor Lopez.

Against: None.

CONSIDERATION OF BILL NO. 2003-10: ADOPTION OF ORDINANCE NO. 2003-____.

Case #ZA 2003-02. Acequia Bonita Subdivision Rezoning. Richard Gorman, Agent for Don Gorman and Suzanne Jacquez, Requests Rezoning of Approximately 1.074 Acres Located at the Mid-block of the East Side of Harrison Road, Between Agua Fria and Cerrillos Road, From the Current Zoning of R-2 (Single Family Residential, 2 Dwelling Units Per Acre) to R-7 (Single Family Residential, 7 Units Per Acre). The Application Includes a Request for Development Plan Approval for the Construction of Nine Single Family Dwellings. The Property is Designated on the Future Land Use Diagram of the 1999 General Plan as “Low Density Residential” (3 to 7 Dwelling Units Per Acre).

City Planner Ron Quarles reported as follows: “The application is for the R-7 zoning for the purpose of subdividing land at the mid-block location of the east side of Harrison Road for nine residential lots. The development meets a Type A affordable housing project. The R-7 District is intended to encourage infill development and permit a greater intensity of residential land uses that enables affordability. Properties designated with the R-7 District must be accompanied by a development plan that establishes the dimensions and layout of the residential lots. If the zoning is approved by the City Council, the applicant must submit to the Planning Commission a subdivision plat consistent with that approval.

“The 1999 General Plan designates the property along both sides of Harrison Road as low density residential, allowing densities of three to seven dwellings per acre. The established zoning of R-2 is not in keeping with the General Plan designation.

“A development plan has been submitted showing a total of nine single family lots on the 1.07 acres of land. Because the development meets the definition of a Type A affordable project, a density bonus of 16% was allowed.

“An early neighborhood notification meeting was held on December 17 at the La Cieneguita meeting room, building A. Twelve persons attended that meeting

expressing concerns related to the impact of the development on the traffic on Harrison Road, the density of the development, and the negative impact of cars along that road.

“A petition of opposition with 33 signatures from residents along Harrison Road, and letters from adjoining neighbors, were included in the packet with the staff report to the Planning Commission.

“At the March 6 Planning Commission hearing, seven persons from the neighborhood spoke in opposition to the application; 13 persons spoke in support of the request.

“The Acequia Madre extends through the property. The Maes Road storm sewer project that extends through Lots 6 and 7 includes the installation of underground storm sewer from Maes Road through La Cieneguita over to Siler Road through the industrial property. A 15-foot storm sewer easement will be acquired through the property, and the storm sewer will be constructed parallel to the Acequia on the south side, and sanitary sewer extends parallel to the Acequia on the north side. In lieu of park dedication, the applicant has agreed to grant a trail easement on top of the existing 15-foot storm sewer easement and construct fences on the north and south boundaries of the easement that extends along the Acequia Madre. The trail easement will establish a connection through the neighborhood through this subdivision to the trail system to the east and west.

“The applicant has met, since the Planning Commission meeting, with the president of the Acequia Madre Community Association, and a letter is included in your packet indicating the support from the Acequia Madre Association with some conditions.

“The neighbors have identified, as I stated, additional traffic concerns along Harrison Road as their primary concern. All but one of the lots in the proposed development will share common points of access from Harrison Road to separate driveways on each lot. As a means to comply with the required guest parking, the applicant is dedicating additional right of way along the frontage of Lots 1 through 7; an additional 16 feet of right of way is proposed for a sidewalk, landscape planter strip, a curb, and six guest parking spaces between the front property lines and the existing travel lanes.

“A traffic impact analysis was submitted with this application. The analysis demonstrated failing intersections at Agua Fria to the north and Cerrillos Road to the south. The Traffic Division, in a memo that is included in your staff report, recommends a contribution for traffic calming along Harrison Road. The Traffic Division has also indicated in its memo that the future extension of Rufina to Harrison Road will provide the neighborhood an alternate means of safe access.

“The Planning Commission voted unanimously to recommend approval of the rezoning to R-7 and the development plan with conditions, which are attached to the proposed bill. The request for R-7 zoning is consistent with the General Plan and increases the City’s affordable housing stock. Staff recommends approval of the rezoning subject to the conditions.”

The floor was opened to public comment against this proposal.

Pablo Sanchez, duly sworn, in opposition

Mr. Sanchez stated that he has lived at 1142 Harrison Road for 17 years, and it is directly across the street from the proposed development. He said he and his family would be directly impacted as a result. He added that nine houses in such a small space, made smaller by the electrical easement and the Acequia Madre, does not fit into the surrounding neighborhood, which consists almost entirely of single family dwellings with “pretty good sized yards.” He said parking is not usually a problem, either. He noted that one strip of land consisting of 2.5 acres is zoned R-12, but there are only 11 dwellings on the property.

Mr. Sanchez noted that the five-foot-wide “parking strip” is too small to accommodate most cars, which will result in cars parking on the street, and this will create a hazard for cars coming down the street as well as other parked cars.

Mr. Sanchez said there is a hump on Harrison Road directly in front of the property that is very popular with joyriders because they speed up in order to fly over it. He said people routinely drive down Harrison Road at 40 mph, but many times people do 60 or 70 mph, and there have been quite a few wrecks. He said he understood the hump would be removed with the construction of the Maes Road runoff project, but nonetheless there would still be a bump there, and some people “will try to go even faster over it.”

Rea Moore, duly sworn, in opposition

Ms. Moore, of 1142 Harrison Road, said she opposed the development because she walks to the bus stop everyday to go to school, and “the traffic goes pretty fast, and I have to walk in the dirt on the side, and there have been cars that swerve and they have been pretty close to hitting me.”

Teresa Sandoval, duly sworn, in opposition

Ms. Sandoval, 1117 Harrison Road, stated that trying to pull into Cerrillos Road “is a nightmare.”

Ms. Sandoval also stated that the houses in this proposed development would be “like ten feet apart, and to me that’s too close for comfort for anybody. Plus they

want to park in the streets. I mean, we'll be having to wait for them to back out. It's just going to be horrible."

Ms. Sandoval said the applicants "gave the impression" at the Planning Commission meeting that educators would be living in these homes, but pointed out, "It doesn't matter who lives there because we have a real problem with traffic."

Ms. Sandoval asked the Council to not approve this development with so many homes.

Richard Hall, duly sworn, in opposition

Mr. Hall, 1142 Harrison Road, opposed this request because he has seen drivers fly over the Acequia and even pass the school bus as it discharges the children. He said there is already too much traffic, and with the additional parking there will be more problems as parkers open their car doors and cause drivers to swerve and go into the side of the road.

Phillip Sanchez, duly sworn, in opposition

Mr. Sanchez said he has lived at 1142 Harrison Road, which used to be a quiet, safe neighborhood until they paved the road, and then it became a shortcut for drivers.

Mr. Sanchez also stated that this proposed high-density development will be an imposition on the people living there now, and he thought it "very unfair that people who are really in need of housing are going to be stuffed in such small places with no yards and no parking." He said the proposed buyers should have adequately sized lots with plenty of room for their children to play.

Siri Sanchez, duly sworn, in opposition

Ms. Sanchez, of 1142 Harrison Road, expressed concern that this rezoning could establish precedence for other developers to come in and buy small pieces of land and build densely packed housing. She said her neighbors bought the land they live on and in some cases built their own homes, and these homes have yards. She said the planned development is disproportionately dense.

Ms. Sanchez also pointed out that people wanting to buy this land to raise their families with more room around them could not do that because the applicants have already set a precedent for another type of denser development. She added that it is unfair to cram people needing affordable housing together like that.

Ms. Sanchez also stated, "And also, with the Acequia Madre being so close to the area where they're proposing to have three dwellings on one side, which we

don't have that amount of people living that close to the Acequia. When you have kids, they're going to want to play, and we already have a lot of garbage that gets collected in there anyway, and it's great for kids to have a place to play like that, but then again to have it so densely populated, I don't think it will serve even the Acequia very well."

Doreen Candelario, duly sworn, in opposition

Ms. Candelario, 1115 Harrison Road, said there is not enough room on such a small piece of land to build so many houses. She stated that her parents live next door to it. She commented that there are already too many problems on Harrison Road because of traffic.

Alice Candelario, duly sworn, in opposition

Ms. Candelario, 1129 Harrison Road, said, "We were the first ones over there, and now there's going to be a crowd there.... In the last few months we have had two wrecks going into our property because of that hump and they go so fast."

This concluded comments against the proposal.

Richard Gorman, duly sworn, in favor

Mr. Gorman, representing his brother and his wife in this project, distributed a colored map with conceptual development plan. *[Submitted with these minutes as Exhibit "B."]*

Mr. Gorman pointed out that, in recent years, there was an attempt to expand further to the east the light industrial and commercial activities that were occurring on Siler Road. He observed that many people here tonight came forward at the Council meeting "and fought hard to assure that the commercial and industrial intrusion that was threatening from the west would not occur. And this Council and City Hall heard them, and made sure that the General Plan... stopped that intrusion to where no further industrial/commercial development could go to the east. This property is part of that area."

Mr. Gorman stated that, following a lot of discussion on what kind of density and use should occur along Harrison Road, "it was agreed at that time that single family residential with densities somewhere between 2 to 7 units to the acre was the most appropriate use and intensity."

Mr. Gorman noted that an office project was recently proposed to the south of the subject property; following objections from the neighbors, who said office use was not appropriate for this area, "Council again listened to them and decided that, even

though I believe the property was properly zoned for offices, said no, we think affordable housing and single family residential should occur.”

Mr. Gorman stated that his brother and sister-in-law selected this small piece of land where they could do a small affordable housing project.

Don Gorman, duly sworn, in favor

Mr. Gorman stated that his and his wife, Suzanne Jacquez, own the subject property.

Mr. Gorman pointed out that teacher retention is low in the Santa Fe School district because teachers cannot afford to live in Santa Fe, and this turnover affects the quality of education and results in additional expense for the school district. He said he and his wife, who is a teacher, “decided to come forth with this project to offer educators the opportunity to live the American dream of owning their own home.”

Mr. Gorman said this would be a 100% affordable Type A subdivision. He stated that he hoped that all of the homes would be purchased by educators, but added that they would be available to any qualified buyer.

Mr. Gorman stated that affordable housing on this property is not feasible without increased density to nine units.

Josie Jacquez, duly sworn, in favor

Ms. Jacquez, 1110 Maes Road, said she thought this a good project. She added that she had initially been concerned when La Cieneguita was proposed; but after it was built, she observed that there was not much difference in traffic, nor were there any other negative impacts. She noted that many of the homes in La Cieneguita have nice landscaping. She said she felt this development would be the same.

Peggy Martinez, duly sworn, in favor

Ms. Martinez, no address given, said she is a teacher in Santa Fe; and although she does not live on Harrison Road, she favored this development because Santa Fe has very limited affordable housing.

Ms. Martinez said this development would actually slow traffic down on Harrison Road because drivers would have less opportunity, because of less open space, to gain speed.

Addressing comments that this development would result in “too many people,” Ms. Martinez pointed out that “having people around is not a bad thing when you have nice families. Nice houses bring nice families.”

Addressing concerns that 10 feet for a side yard is too small, Ms. Martinez said 10 feet is “about the average, if not even a little bit generous, for most developments these days.”

Ms. Martinez said she is familiar with the product that Don Gorman produces and feels strongly that his houses will provide “more than adequate housing for whomever buys them.” She stated that Santa Feans need affordable housing.

Paula Gorman, duly sworn, in favor

Ms. Gorman, no address given, said she was born and raised in Santa Fe and is an educator. She stated that many educators couldn’t afford to live here.

Ms. Gorman stated that Don Gorman has built several other beautiful homes. She said, “They’re not bad looking, they’re not cramped. The people who live there seem to be very pleased with their property.”

James Gorman, duly sworn, in favor

Mr. Gorman, 119 Spruce Street, said he was born and raised in Santa Fe. He stated that he was able to buy his first home last year, and he is 38 years old. He said this will be a good project, and will offer people an opportunity to raise their families in a quality home environment in a nice neighborhood.

Mr. Gorman noted that the lots will be an average of 4,000 square feet, “and the average home in Santa Fe is about 5,300 square feet.”

Mr. Gorman said these homes would offer a chance for police officers, firefighters and educators to own a home in the city where they work. He said some City police officers have to commute from Rio Rancho.

Sharon Gonzales, duly sworn, in favor

Ms. Gonzales, 2831 Sycamore Loop, said she is a single parent and it is not easy to buy one’s own home in Santa Fe. She stated that this housing would offer an opportunity for native Santa Feans to stay here and raise their children. She pointed out that Airport Road is the only area left with affordable housing, and it is very cluttered there.

Matt Madrid, duly sworn, in favor

Mr. Madrid, 1048 Avenida Linda, said La Cieneguita subdivision gave him a chance to own his own home. He said this project would allow people to stay in Santa Fe instead of “having to move out to Rio Rancho.”

Mr. Madrid said he put his house up for sale and it sold in two days: “That’s how desperate it is for affordable housing in the middle of town.”

Jean Faulk, duly sworn, in favor

Ms. Faulk said she has lived in Santa Fe for a year and is a teacher, and has been a teacher for a long time. She stated that she bought a small attached house when she moved here, and it is very comfortable. She said she has a backyard and a front yard and nice neighbors. She commented, “I’d like to see the fireman who lives two doors down from me to be able to afford a house, and I’m extremely appreciative of Mr. Gorman providing the opportunity for this many people to have a place where they could live.” She said five people in her school have to commute from out of town, as far away as Albuquerque, because they can’t afford to live here.

Henry Jacquez, duly sworn, in favor

Mr. Jacquez, 1110 Maes Road, said he works around a lot of building contractors in the city and county, and sees how expensive homes are. He said he also sees that very few young people can afford to buy one of those homes.

Aaron Bohr, duly sworn, in favor

Mr. Bohr [spelling unknown], 17 Ladera Road, said he saw this as an opportunity for the City to have affordable housing.

Addressing comments by speakers against this proposal, Mr. Bohr pointed out that the City has a responsibility to maintain its roads and make sure neighborhoods are safe by controlling traffic speeds. He suggested that the City “take another pass at the traffic study.”

Suzanne Jacquez-Gorman, duly sworn, in favor

Ms. Jacquez-Gorman, 324 Palomino Street, said she is a native New Mexican and a former resident of Maes Road. She stated that she is an educator and many of her family members have had to leave town because they cannot afford to live in Santa Fe. She said this project will provide more local residents an opportunity to purchase an affordable home, and will add to the charm of the neighborhood.

Ms. Jacquez-Gorman said the lack of affordable housing in Santa Fe contributes to the shortage of teachers here. She stated that the City needs to attract and retain quality teachers, so must support various efforts to provide affordable housing.

Virginia Gorman, duly sworn, in favor

Ms. Gorman, 2086 Avenida de las Alturas, pointed out that “you don’t have a whole lot of room between houses almost anywhere you go.”

Ms. Gorman said she is Don Gorman’s mother. She stated, “He loves to build, but he also likes to build very well. And I can assure that the homes that he builds will be very well built. ‘Cause one thing that he always says is, I’m going to do a job right the first time because I don’t want to redo it....”

Ms. Gorman stated that this would present an excellent opportunity for the Governing Body to approve some “very well built homes for people that can afford them.”

Louie Baca, duly sworn, in favor

Mr. Baca, 1508-1/2 Agua Fria (“just up the road from Harrison Road”), said he favors this project because it will be 100% affordable. He stated that he has friends and relatives who have moved out of Santa Fe because they say they can’t afford housing here.

Mr. Baca also stated that Don Gorman is a good friend of his, and “I know the type of building he does — he does very good work.”

Addressing traffic concerns, Mr. Baca said he did not see how “nine more cars is going to affect the traffic on Agua Fria that much more.”

David Leyba, duly sworn, in favor

Mr. Leyba, 2917 Calle Princesa Juana, said he was able to purchase an affordable house as a young man, and then sold it a few years later and bought upgraded housing. He stated that, without that ability to step up, he would not be living where he lives now.

This concluded comments from the floor.

Councilor Pfeffer asked Richard Gorman what contributions would be made to address traffic concerns.

Mr. Gorman responded that he agreed with the City traffic engineer's recommendation that they contribute toward the extension of Rufina, as well as contribute to a traffic-calming project on Harrison.

Addressing concerns about precedence and tightly packed housing, Mr. Gorman clarified that he and his brother have no plans to develop other property on Harrison Road; furthermore, the average lot size for this project will be 5,300 square feet. He said all houses will have a front yard and backyard, and parking will be onsite, with additional parking to be provided through a parking lane that will be added to the street.

Responding to questioning from Councilor Heldmeyer, Mr. Quarles indicated the required parking for a single family detached house is two spaces per unit, and the Planning Commission found it would be preferable to provide guest parking along the street. He said the actual location of the parking spaces is not yet identified on the development plan.

Richard Gorman distributed and reviewed a conceptual plan for parking spaces. [Not made available for the record.] He stated that a total of 26 parking spaces would be provided: 18 assigned onsite parking spaces plus eight unassigned for guests.

Councilor Heldmeyer asked Traffic director John Nitzel what alternatives there would be to backing out onto Harrison Road from these lots.

Mr. Nitzel responded that one option is to consolidate the driveway access, and that he thought the applicants had addressed that quite well in terms of practicality of the site size and configuration. He said some additional setback between the street and sidewalk would help the parking numbers a bit. He commented that, given the lot sizes, he thought those fairly positive options.

Reviewing the parking diagram, Councilor Heldmeyer asked if a car would have enough room onsite to turn around and go out onto Harrison Road front-ways if both of the onsite parking areas are full.

Mr. Nitzel responded that people would have additional space from the driveway, including the sidewalk and the parking lane (because there would be parking prohibitions immediately next to the driveway areas), to maneuver their vehicle in order to avoid backing out onto Harrison Road.

Councilor Heldmeyer said she observed when visiting the site recently that the curbs from one end to the other on both sides were freshly painted yellow.

Mr. Nitzel responded that a neighborhood meeting was held at Frenchy's Park, and one of the requests made at the meeting was to repaint the curbs on Harrison because the yellow paint had faded.

Some audience members clarified that not all of Harrison Road had originally been marked yellow, but now all of it was designated as a yellow zone on both sides, and Mr. Nitzel said he was not aware of that.

Addressing Don Gorman, Councilor Heldmeyer remarked that many people talked tonight about how educators would be living in these homes, and asked Mr. Gorman to speak to that.

Mr. Gorman responded that the homes would be available to any qualified buyer but they plan to market them to teachers.

Responding to other questioning from Councilor Heldmeyer, Mr. Quarles said the applicant has executed a HOP agreement.

Mr. Smith stated that the applicant has executed a preliminary HOP agreement and that the final HOP agreement would be recorded with the final subdivision plat or final development plan.

Councilor Heldmeyer asked if this could be made a condition of approval, and Mr. Smith said staff would hesitate recommending that because provisions in the recent HOP amendments talk about the requirements being specified in the Code as being the maximum requirements allowable under ordinance. He said that, where the applicant has volunteered as a Type A, there is some question on that and the City Attorney might give an opinion as to whether, should the applicant agree to such a condition, it was permissible.

Councilor Heldmeyer asked Don Gorman if he would agree to accept this being a Type A development as an acceptable condition of approval on the rezoning, and Mr. Gorman responded that he would.

Councilor Coss moved for approval with the condition that the reference to R-7 in the title of the ordinance be changed to R-5.

Councilor Coss said he has read the materials in the packet and has driven by the subject area many times, and again this morning, and thought the density was just too high given that the development is not only going to R-7, but there will be a density bonus on top of that; furthermore, when the easements and parking areas are deleted, it ends up being nine lots on less than an acre. He said that essentially this ends up being "R-9-plus zoning" as proposed.

Councilor Chavez seconded the motion.

Councilor Coss asked Mr. Nitzel if both intersections will continue to be graded as failing after the Rufina extension goes through.

Mr. Nitzel responded that the Lassater development, which has two pieces (Harrison Road subdivision and the commercial part on the south), is being required to dedicate right of way from the existing Rufina to Harrison Road, and this would be the proposed connection that staff feels is appropriate to alleviate some of the existing congestion at both ends of Harrison. He said this would give people an alternate access because they could go to Siler and then use the signals on either end of Siler (Agua Fria or Cerrillos), which would make for easier maneuvering.

Councilor Heldmeyer asked if this is the extension that the City Council agreed less than a year ago would not be put through without City Council approval.

Mr. Nitzel responded that this was correct. He added that this was also discussed at the prior meeting, and the extension is shown on the General Plan and the Arterial Roads Plan as well.

Councilor Coss asked Mr. Nitzel if preliminary traffic calming studies have been done for Harrison Road. He said he was interested in knowing the 80th percentile speed for that road.

Mr. Nitzel responded that he did not know the percentile, but did know that traffic on Harrison Road is around 1,000 cars per day.

Councilor Coss said he would be interested in knowing the speed percentile because he understood people were going 50-60 mph.

Mr. Nitzel responded that this was “probably a little high — we don’t typically see that on any street for the 85th percentile. It might be 35 to 40, perhaps.”

Mr. Nitzel also stated that, given the width of Harrison, and with developer contributions, he would guess that 20% of Harrison would be traffic-calmed and the rest would be eligible for the City’s traffic calming program.

Councilor Coss asked Mr. Quarles how much did the density bonus give the developer in this case, and Mr. Quarles responded that eight units are permitted by right with the current zoning, and they have added one additional bonus unit.

Councilor Coss commented that, based on his own experience in various neighborhoods, a house tends to have two, three or four cars, depending on how many teenagers are living at home at the time. He said, “I find a lot of these things fail because we do the new type of development, and we max out the lot, and we limit the parking — and we forget to tell the folks, you can only have two cars.”

Following a review of some of the conditions, Councilor Coss remarked that a number of them seem to speak to trying to fit nine houses onto less than an acre of land. He said he thought it commendable to want to build affordable housing, but thought this project too dense for Harrison Road, which is a straight shot connector road between Agua Fria and Cerrillos. He said this is not the same as the La Cieneguita neighborhood, which has a very different design where there are not people cutting through as on Harrison.

Councilor Coss noted City traffic engineer Rick Devine's statement in his February 10 memorandum that "fewer driveways along Harrison Road will yield safer conditions." He commented, "But we're putting more along Harrison Road with these plans, and we've still got another development coming in across the street that's going to put in another 15 units. For the nature of Harrison Road, I think we've gone a little too far. The zoning was three to seven. We went up to seven. Then we put a density bonus on top of that. It's too much for Harrison Road."

Councilor Coss said he would propose, if his motion passes, that the developer not be asked to share in the traffic calming. He said he would agree with one speaker that this is a City responsibility, as the road is already dangerous.

Councilor Coss restated his motion to move for approval, with the amendment that all references in the ordinance be changed from R-7 to R-5, and that the new conditions imposed by Exhibit 5 from the Traffic Division not be added; specifically, the developer's sharing in the cost of traffic calming.

Councilor Chavez seconded the motion.

Councilor Chavez commented that it is difficult enough for someone to drive front-first out of a driveway on a street as busy as Harrison, and that backing out would be dangerous in this case.

Councilor Chavez said 75% of Santa Fe's population cannot afford to buy a house here, which speaks to the fact that New Mexico is 50th in per capita income — a sad state of affairs for teachers and everyone else, "and to try to fix that with a density bonus to this extent is really not going to solve the problem."

Councilor Bushee commented that sometimes she has seen affordable housing pushed forward in neighborhoods that are fairly affordable to begin with. She asked Mr. Quarles what the predicted cost of a Type A affordable house would be on this property with the zoning that was previously proposed.

Mr. Quarles responded that the worksheet provided by the HOP program identifies the total price for an affordable Type A house as \$160,363 or less.

Councilor Bushee said she would guess that the real estate in the Harrison Road neighborhood is probably in that range and perhaps less in some instances, depending on the size of the lot and the amenities it offers.

Councilor Bushee asked Don Gorman to comment on the change to R-5 zoning being proposed at this point.

Mr. Gorman responded that six units in R-5 zoning would not pay for itself. He stated that the R-7 density is the only thing that would permit the development to be 100% affordable; so if they were forced to go to R-5, "we wouldn't make it a Type A subdivision because the numbers don't work because of the increased costs."

Mr. Gorman said that he would either proceed to develop the property under the existing R-2 zoning or would sell the property.

Responding to questioning from Councilor Ortiz, Richard Gorman said that his brother could not develop the property at R-5, so he would just build two houses under the existing R-2 zoning, assuming he could get a building permit with all of the recommended conditions; and if not, they would withdraw and then build at R-2. He added that they had anticipated the Council would propose R-5 zoning, and so they worked the numbers to see if that zoning would support an affordable housing project, and concluded that it would not.

Richard Gorman asked the record to reflect that they would withdraw if the motion passed.

Councilor Heldmeyer proposed an amendment to include the conditions recommended by the Acequia Madre de Santa Fe.

The amendment was accepted as friendly.

Councilor Pfeffer noted that Councilor Coss had calculated the subject property size as less than an acre after backing out the easements. He asked if it is City policy to decide zoning and densities on the basis of easements.

Mr. Smith responded that zoning is based on a gross density prior to subdivision, so City Code does allow the calculation provided by the applicant, assuming R-7 is the correct density to start with.

Councilor Pfeffer asked Mr. Smith if he could recall the Planning Commission or City Council backing out easements in order to arrive at a density.

Mr. Smith responded that there have been subdivisions where the staff or Commission has recommended less than the maximum allowed density because of easement or other issues related to traffic safety.

Councilor Pfeffer noted that Tierra Contenta has T-shaped parking arrangements between adjacent properties — although the lots are quite small and the streets are narrow, it is possible to execute a K turn before getting back onto the street. He asked Richard Gorman if he was amenable to such a pattern in this instance, and would he accept it as a condition.

Mr. Gorman responded that he would.

Councilor Pfeffer commented to the rest of the Council, “Here we are, one more time, finding a way to, I think, penalize someone... when they’re coming up with an affordable housing project.” He pointed out that the Council is now proposing to reduce the density to six units because of concerns about backing out onto Harrison Road, when there is a solution to that, as he has just explained.

Councilor Pfeffer asked Councilor Coss if he would change his motion back to approval at R-7 if the developer were willing to agree to a condition in which it specifically says that there will be a T configuration that permits a turnaround so one does not have to back out onto the street.

Councilor Coss responded that he would *not* change his motion.

Councilor Pfeffer moved an amendment to approve the R-7 zoning to fulfill the City’s commitment to affordable housing, with all the conditions as listed in the packet, with Councilor Heldmeyer’s condition, and that it have this T formation such that cars do not have to back out onto the street.

Councilor Wurzburger seconded the amendment.

Councilor Ortiz, Council Parliamentarian, stated that the amendment was improper because there was already a motion on the floor with an amendment, which was to change R-7 to R-5. He suggested that Councilor Pfeffer wait for the main motion to fail, if it does fail, and then he could make his motion.

Councilor Pfeffer withdrew his motion.

Councilor Pfeffer said, “I’m sorry that it’s going this route. I don’t know what we have to do in order to enable people to provide this kind of home. I don’t even care if they make a million dollars on it. The point is, it’s nine affordable \$160,000 units that they are signed on and willing to do. The alternative we are presenting them with is: We don’t want it.”

Councilor Chavez commented to Richard Gorman that, with this change from R-7 to R-5, “if I had the choice between building two or building six, I would take the six.”

Richard Gorman explained that, with two units, they would not have to build the roadways, infrastructure, and do the other work associated with the subdivision and zoning actions — they would only need to get building permits and do the houses.

City Attorney Bruce Thompson noted that the request is for R-7 zoning, and the developers have agreed to certain conditions at R-7; and the Council has now proposed to go to R-5 with the same conditions. He commented, “I have a real concern about the notification to these people. It seems to me that, given the fact that that’s not acceptable to the developers, it seems to me the motion should be for R-7 versus disapproving what’s been brought forward, so that we’re not doing something tonight that was totally not noticed and was not something that has been requested of this Council.”

Mr. Thompson said the appropriate motion might be to reject the entire project.

Councilor Wurzbarger asked Councilor Coss if he would consider removing the conditions that theoretically make the project not cost effective, and then the Council could table this to give additional time to explore whether the removal of some or all of the conditions could result in the production of six affordable units. She said she understood the Gormans to say that the infrastructure costs are what make the six-unit project impossible to do.

Councilor Wurzbarger said she would “love” not to see the City walk away from this project, nor to see all of the work done by the applicant and staff thrown away.

Councilor Coss said he would support a motion to table with the proviso that R-5 be explored with what conditions would make it possible to pursue as an affordable housing project.

Richard Gorman responded that they would welcome that.

Councilor Wurzbarger moved to table to June 25 with the intention of working with the applicant to see if the conditions could be modified so that there could be a fully affordable housing project and yet meet the density requirements suggested by Councilor Coss.

Councilor Coss seconded the motion.

Mr. Thompson said he thought this motion was in order, but added that the hearing will have to be re-advertised as R-5.

Addressing the notice issue, Councilor Ortiz noted that the applicant, in responding to his question, “gave notice that they had anticipated a possibility that it would be R-5, and that anticipation, even if there is a defect in the process of noticing, I want to make it clear that they had actual knowledge that that potential

may result. So while procedurally there might be a defect, the comment I heard from the applicant led me to believe that they had actual notice that the possibility existed of a down zoning from R-7 to R-5.”

Councilor Ortiz also disputed the Gormans’ argument that affordable housing is impossible with R-5 zoning, since the recently approved Kachina Ridge affordable housing project is 60+ Type A units with R-5 zoning.

Mr. Smith suggested that Council advertise the hearing for consideration of rezoning the property to R-5, R-6 or R-7, which would leave all options open at that meeting. [This was agreed to in subsequent discussion.]

The motion then passed on the following Roll Call vote:

**For: Councilor Pfeffer; Councilor Wurzbarger; Councilor Bushee;
Councilor Coss; Councilor Heldmeyer; Councilor Lopez; Councilor Ortiz.**

Against: Councilor Chavez.

COMMUNICATIONS FROM THE GOVERNING BODY

Mayor Delgado

Mayor Delgado stated that the St. Vincent Hospital board of directors has asked the Governing Body to submit two names to them, one of which will be considered for a position on the board. He asked Councilors to each bring a name to him for consideration before the end of this month.

Councilor Ortiz noted that this differs from the usual appointment process to City committees, and asked the City Clerk and City Attorney to look into the issue.

Mayor Delgado distributed three resolutions: 1) proclaiming severe or extreme drought conditions and restricting the sale of fireworks in the city; 2) opposing the Ney resolution and instead supporting the laws and regulations that ensure fair lending practices; and 3) naming the City of Santa Fe Teen Center at 737 Agua Fria Street as the Carlos “Carlito” Ortega Teen Center.

Councilor Pfeffer

Councilor Pfeffer asked the Parliamentarian to look at Governing Body procedures, because he is disturbed by Councilors attending and actively participating in public meetings of task forces, etc. He said Councilors are offering input into a process that is designed to make recommendations to the

City Council, and that seems “to be setting up a competition here about who has the most time to go to the most meetings.” He said he would like a discussion on the appropriateness of “our having that kind of influence over the process of folks who advise us.”

Councilor Ortiz suggested that the Ethics & Rules Committee take up this issue.

Councilor Coss

Councilor Coss announced that there would be water conservation fair on June 28 that will include a forum on the idea of a household water allocation.

Councilor Coss said the Water Conservation Committee is also asking the City Manager to work with Finance staff to start setting up test runs on the billing system to see how the proposed ordinance might work on a pilot basis.

Councilor Wurzbarger

Councilor Wurzbarger asked Mr. Romero to follow up on her request, reflected on page 12 of the April 30 minutes, to see Mr. Rehring’s contract and to have a timeline submitted to either PUC or Finance as to what the scheduled lobbying activities will be over the next year. She suggested that this information be brought forward to the next PUC meeting.

Councilor Chavez

Councilor Chavez thanked staff for helping him organize and attend a community meeting on Saturday, May 3 at Frenchy’s. He said he and Councilor Coss attended along with 15 to 20 area residents.

Councilor Ortiz

Councilor Ortiz distributed a joint City/Santa Fe Public Schools resolution. He stated that, in talking with School Board members Carmichael Dominguez and Martin Lujan, it became apparent that a lot of agreements the City has with the Schools are informal, or MOU’s, or pending but never executed. He said this resolution directs City staff and Public Schools staff to negotiate and draft a joint powers agreement for presentation to both bodies prior to the start of the next school year. He commented that there are apparently 20 different kinds of agreements on things like facility use; traffic/cross guard issues, fees in public facilities, etc.

Councilor Bushee

Councilor Bushee said she understood Summerscene will not happen this summer, and she hoped there would be some kind of activity on the Plaza. She asked Mr. Romero to pursue this.

Councilor Bushee reminded everyone to attend CommUNITY Days.

Councilor Heldmeyer

Councilor Heldmeyer reminded everyone that they can go to www.cultivatesantafe.com and take the questionnaire on the City's economic development plan and that no identification information is necessary in order to respond to the questions.

Councilor Lopez

Councilor Lopez said she is receiving numerous complaints about junked cars in people's yards in various neighborhoods. She stated that she understood an ordinance change will be made to address this problem.

Councilor Lopez stated that the area on Galisteo between Villa Caballero and I-25 has become a haven for drugs and drinking, and transients live there. She said the neighbors are asking for lighting.

ADJOURN

Its business completed, the Governing Body adjourned the meeting at approximately 9:45 a.m.

Approved by:

Mayor Larry A. Delgado

ATTESTED TO:

Yolanda Y. Vigil, City Clerk

Respectfully Submitted:

Judith S. Beatty, City Council Reporter